

California Department of Education

Executive Office

SBE-005 (REV. 1/2021)

General Waiver

# California State Board of Education March 2025 Agenda Item #W-02

## Subject

Request by **Gridley Unified School District** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

## Waiver Number

3-5-2024

## Type of Action

Action, Consent

## Summary of the Issue(s)

One local educational agency (LEA) requests to provide instruction in fewer than the 20 school days required by law for extended school year (ESY). The LEA proposes an alternate schedule that will allow them to provide the minimum number of hours required, but in fewer days.

ESY is the term for the education of students with disabilities “between the close of one academic year and the beginning of the next,” similar to a summer school. The ESY must be provided for each student with a disability whose individualized education program (IEP) requires it. LEAs may request a waiver to provide an ESY program for fewer days than the traditional mode.

## Authority for Waiver

*Education Code (EC)* Section 33050

## Recommendation

* Approval: Yes
* Approval with conditions: No
* Denial: No

The California Department of Education recommends the State Board of Education (SBE) approve the request from one LEA to provide ESY services for fewer than 20 days. The CDE recommends no conditions at this time as this waiver request is retroactive and the LEA met all the conditions that the CDE would have recommended as a condition of approval of the waiver, as described below. Specifically, the CDE has verified that school day hours were consistent with those provided to the general education enrollment at the same grade level unless an IEP specifies otherwise and that special education and related services offered during the ESY period were comparable in standards, scope, and quality to the special education program offered during the regular academic year as required by *California Code of Regulations (CCR),* Title 5, Section 3043.

## Summary of Key Issues

### Gridley Unified School District

The Gridley Unified School District (GUSD) requested an alternate ESY program schedule of 14 days from June 10, 2024, to June 28, 2024. The GUSD stated that this schedule maximized student attendance and staffing.

The CDE verified that the GUSD program operated 5.5 hours per day, five days per week, Monday through Friday, totaling 77 hours. This is consistent and comparable to the number of hours GUSD would have provided in an ESY program of 20 days. The CDE verified that the ESY program aligned with the GUSD general education summer school program hours.

**Demographic Information:** The GUSD has a student population of 1,995 and is located in a rural area in Butte County.

**Because these are general waivers, if the SBE decides to deny the waivers, it must cite one of the seven reasons in *EC* Section 33051(a), available on the California Legislation Information Web page at** <http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=33051.&lawCode=EDC>.

## Summary of Previous State Board of Education Discussion and Action

In the past, the SBE approved waivers to allow school districts to provide ESY in fewer than 20 days if the alternative schedule is consistent with and comparable to the amount of instruction that would have been provided to the students if the length of the ESY was 20 days.

## Fiscal Analysis (as appropriate)

There is no statewide fiscal impact of waiver approval. However, in order for an LEA to qualify for average daily attendance (ADA) revenues for extended year pupils, LEAs must comply with the ADA requirements in 5 *CCR* Section 3043(f).

## Attachment(s)

* **Attachment 1:** Summary Table (1 page)
* **Attachment 2:** Gridley Unified School District General Waiver Request 3-5-2024 (2 pages). (Original waiver request is signed and on file in the Waiver Office.)

# Attachment 1: Summary Table

*California Code of Regulations,* Title 5, Section 3043(d)

| Waiver Number | District | Period of Request | District’s Request | CDE Recommendation | Bargaining Unit Representatives Consulted, Date and Position | Local Board and Public Hearing Approval | Penalty Without Waiver |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 3-5-2024 | Gridley Unified School District | **Requested:**  June 10, 2024, to June 28, 2024  **Recommended:**  June 10, 2024, to June 28, 2024 | To provide a 14-day extended school year (ESY) program instead of a 20-day ESY program. | Retroactive approval with no conditions, as the CDE has verified that the LEA has provided a 14-day ESY program instead of a 20-day ESY program. | Angelina Hopoate,  California School Employees Association, President;  3-13-2024; **Support.**  Mike Erickson, Gridley Teacher’s Association, President;  2-5-2024;  **Support.** | 3-20-2024 | The LEA may not provide a 14-day ESY program |

# Attachment 2: Gridley Unified School District General Waiver Request 9-52024

**California Department of Education**

**WAIVER SUBMISSION – General**

CD Code: 0475507

Waiver Number: 3-5-2024

Active Year: 2024

Date In: 5/9/2024 9:16:28 AM

Local Education Agency: Gridley Unified

Address: 429 Magnolia St.

Gridley, CA 95948

Start: 6/10/2024

End: 6/28/2024

Waiver Renewal: No

Waiver Topic: Special Education Program

Ed Code Title: Extended School Year (Summer School)

Ed Code Section: *CCR*, Title 5, Section 3043

Ed Code Authority: 33050

*Education Code* or *CCR* to Waive: (d) An extended year program shall be provided for a [minimum of 20 instructional days], including holidays.

Outcome Rationale: The district is proposing to provide the ESY program over 14 days (June 19th is a holiday) at 5.5 hours per day, which will provide more instructional time than a traditional 20-day ESY schedule while maximizing student attendance and staffing options.

Student Population: 21

City Type: Rural

Public Hearing Date: 3/20/2024

Public Hearing Advertised: Public Hearing notice posted 2 weeks prior at all school sites and our district office.

Local Board Approval Date: 3/20/2024

Community Council Reviewed By: School Site Council.

Community Council Reviewed Date: 1/31/2024

Community Council Objection: No

Audit Penalty Yes or No: No

Categorical Program Monitoring: No

Submitted by: Dr. Maggie Daugherty

Position: Director of Special Education

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Telephone: 530-846-6721

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Bargaining Unit Date: 03/13/2024

Name: California School Employee Association

Representative: Angelina Hopoate

Title: CSEA president

Phone: 530-846-3636

Position: Support

Bargaining Unit Date: 02/05/2024

Name: Gridley Teacher Association

Representative: Mike Erickson

Title: GTA President

Phone: 530-846-3636

Position: Support